

**REMARKS**

Claim 19 has been canceled. Claims 4, 9, 11, 13, 15, and 18 have been amended. Claims 1 through 18 and 20 remain in the application.

Claim 20 has been allowed over the art of record.

Claims 9 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, claims 9 and 18 have been amended and rewritten in independent form to include the limitations of the base claim and any necessary intervening claims. It is respectfully submitted that claims 9 and 18 are in a condition for allowance, which allowance is solicited.

Claims 4, 13, and 15 were objected to because of an informality in each of these claims.

Claims 4, 13, and 15 have been amended to clarify these claims as suggested by the Examiner on page 2 of the Office Action. It is respectfully submitted that claims 4, 13, and 15 are allowable over the objection.

Claims 1 through 3, 5 through 8, 11, 12, and 14 through 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Barts et al. (U.S. Patent Application Publication No. 2002/0082893). Applicant respectfully traverses this rejection.

U.S. Patent Application Publication No. 2002/0082893 to Barts et al. discloses a delivery system and method for vehicles and the like. A delivery system 10 includes generally a vehicle distribution network 20 and a data flow network 30. The distribution network 20, conceptually shown in FIG. 1, provides for the transport of vehicles 22 by trains 23 of railcars from an origin point 25, such as a manufacturing plant or accumulation hub, to a mixing center

26, where personnel unload and sort the vehicles if necessary. Railroad personnel then load the vehicles onto railcars and build trains 23 to transport the vehicles to destination ramps 27, where personnel unload the vehicles. Others at the destination ramps 27 load the vehicles onto car haulers 28 for transport to automobile dealerships 29. FIG. 1 shows the data flow network 30 conceptually as a system for collecting information from each of a plurality of facility points of the distribution network, and for providing information to each of those points. The tracking system 34 includes a tracking database 50 containing status information on all aspects of the distribution network 20. This status information is received via the interface 40, from three main sources: vehicle manufacturers data 52, including production schedules, when actual production of a VIN begins, and when each VIN is released; railroad data sources 54, including scanners for reading encoded symbols on VINs and railcars, and terminals for manually sending information on the time planned events and unplanned disruptions occur; and car hauler data sources 56, similar to the railroad data sources. The tracking system also receives VIN routing information from the planning tool 36. The planning tool 36 includes a planning database 58 containing data received from the tracking database 50, from the simulation tool 38, and from a work station 59, and related software. The tracking system provides actual collected data on VIN status and elapsed transit times. The simulation tool provides routing evaluations for upcoming planned VINs. The workstation 59 allows a user to select routes for upcoming VINs and to input origin and destination information as well as time in transit standards. The vehicle tracking system 34 tracks vehicles of the automobile manufacturer in the automobile manufacturer's distribution network 20. The vehicle tracking system 34 provides information about the location of vehicles 22 of the automobile manufacturer at certain points in the automobile manufacturer's distribution network. Barts et al. does not disclose attaching tags to the automotive vehicles, performing an automated railcar identification, generating an automated load makeup based on the identified

railcar and the automotive vehicles, locating the automotive vehicles, and loading the automotive vehicles on a railcar specified in the automated load makeup.

In contradistinction, claim 1 claims the present invention as a method of automated rail loading of automotive vehicles. The method includes the steps of attaching tags to the automotive vehicles and performing an automated railcar identification. The method also includes the steps of generating an automated load makeup based on the identified railcar and the automotive vehicles, locating the automotive vehicles, and loading the automotive vehicles on a railcar specified in the automated load makeup. The method further includes the steps of shipping the automotive vehicles via the railcar to a final destination specified in the automated load makeup.

A rejection grounded on anticipation under 35 U.S.C. § 102 is proper only where the subject matter claimed is identically disclosed or described in a reference. In other words, anticipation requires the presence of a single prior art reference which discloses each and every element of the claimed invention arranged as in the claim. In re Arkley, 455 F.2d 586, 172 U.S.P.Q. 524 (C.C.P.A. 1972); Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983); Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481 (Fed. Cir. 1984).

Barts et al. '893 does not disclose or anticipate the claimed invention of claim 1. Specifically, Barts et al. '893 merely discloses a delivery system and method for vehicles including a tracking system having a tracking database containing status information received from vehicle manufacturers data, including production schedules, railroad data sources, including scanners for reading encoded symbols on VINs and railcars, and car hauler data sources. Barts et al. '893 lacks attaching tags to the automotive vehicles, performing an automated railcar identification, generating an automated load makeup based on the identified railcar and the

automotive vehicles, locating the automotive vehicles, and loading the automotive vehicles on a railcar specified in the automated load makeup. In Barts et al. '893, the railroad data sources 54 includes scanners for reading encoded symbols on VINs and railcars, but not attaching tags to the automotive vehicles. Further, Barts et al. '893 provides for the transport of vehicles 22 by trains 23 of railcars from an origin point 25 to a mixing center 26, but does not perform an automated railcar identification and generate an automated load makeup based on the identified railcar and the automotive vehicles. Barts et al. '893 fails to disclose the combination of a method of automated rail loading of automotive vehicles including the steps of attaching tags to the automotive vehicles, performing an automated railcar identification, generating an automated load makeup based on the identified railcar and the automotive vehicles, locating the automotive vehicles, loading the automotive vehicles on a railcar specified in the automated load makeup, and shipping the automotive vehicles via the railcar to a final destination specified in the automated load makeup as claimed by Applicant. Therefore, it is respectfully submitted that claim 1 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. § 102(b).

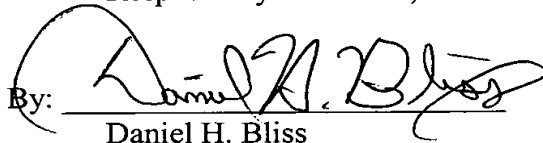
As to claim 11, claim 11, as amended, clarifies the invention claimed as a computerized method of automated rail loading of automotive vehicles. The method includes the steps of attaching radio frequency (RF) tags to the automotive vehicles, performing automated automotive vehicle identification, and performing an automated railcar identification. The method also includes the steps of generating an automated load makeup based on the identified railcar and the identified automotive vehicles, locating the automotive vehicles and loading the automotive vehicles on a railcar specified in the automated load makeup, and shipping the automotive vehicles via the railcar to a final destination specified in the automated load makeup.

Barts et al. '893 does not disclose or anticipate the claimed invention of claim 11. Specifically, Barts et al. '893 merely discloses a delivery system and method for vehicles including a tracking system having a tracking database containing status information received from vehicle manufacturers data, including production schedules, railroad data sources, including scanners for reading encoded symbols on VINs and railcars, and car hauler data sources. Barts et al. '893 lacks attaching radio frequency (RF) tags to the automotive vehicles, performing automated automotive vehicle identification, performing an automated railcar identification, generating an automated load makeup based on the identified railcar and the identified automotive vehicles, locating the automotive vehicles and loading the automotive vehicles on a railcar specified in the automated load makeup. In Barts et al. '893, the railroad data sources 54 includes scanners for reading encoded symbols on VINs and railcars, but not attaching radio frequency (RF) tags to the automotive vehicles. Further, Barts et al. '893 provides for the transport of vehicles 22 by trains 23 of railcars from an origin point 25 to a mixing center 26, but does not perform an automated railcar identification and generate an automated load makeup based on the identified railcar and the automotive vehicles. Barts et al. '893 fails to disclose the combination of a method of automated rail loading of automotive vehicles including the steps of attaching radio frequency (RF) tags to the automotive vehicles, performing automated automotive vehicle identification, performing an automated railcar identification, generating an automated load makeup based on the identified railcar and the identified automotive vehicles, locating the automotive vehicles and loading the automotive vehicles on a railcar specified in the automated load makeup, and shipping the automotive vehicles via the railcar to a final destination specified in the automated load makeup as claimed by Applicant. Therefore, it is respectfully submitted that claim 11 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. § 102(b).

Claims 4, 10, 13, and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over Barts et al. '469 in view of Benson et al. (U.S. Patent No. 5,635,693). Applicant respectfully traverses this rejection for the same reasons given above to claims 1 and 11.

Based on the above, it is respectfully submitted that the claims are in a condition for allowance, which allowance is solicited.

Respectfully submitted,

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